



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 11, 2012

1212-VU-06

Exhibit 1

**Petition Number:** 1212-VU-06

**Subject Site Location:** South side of State Road 32, approximately 1,400 feet west of Carey Road

**Petitioner:** Kevin Steel

**Request:** The petitioner is requesting a Variance of Use from the Westfield-Washington Township Zoning Ordinance to allow auto storage, auto salvage and auto impound to be permitted in the General Business District (WC 16.04.050).

**Current Zoning:** General Business (GB)

**Current Land Use:** Commercial/Auto Sales

**Approximate Acreage:** 2 acres

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Petitioner's Application

**Staff Reviewer:** Kevin M. Todd, AICP

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**Petition History**

This petition will receive a public hearing at the December 11, 2012 Board of Zoning Appeals meeting.

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**Property Location and Project Description**

The subject property is approximately two (2) acres in size and is located on the south side of State Road 32, approximately 1,400 feet west of Carey Road (the "Property"). It is the property located immediately to the west of (and shares a drive with) the Roudebush Equipment business. The Property is zoned General Business and falls within the State Highway 32 Overlay Zone. The variance request is to allow auto storage, auto salvage, and auto impound (the "Proposed Use") on the Property.

The petitioner's business, Interbody Inc., was located on U.S. 31 and moved to the subject property last month. The business moved as a result of the U.S. 31 Major Moves project. The business' former U.S. 31 site was zoned Enclosed Industrial and allowed the Proposed Use. The current zoning ordinance does include a zoning district that allows both auto sales and auto storage/auto salvage/auto impound.



The petitioner has stated that the impound component of the business is substantial for the business' operation. The auto storage/salvage/impound lot would require a fenced, secure area. The petitioner has also stated that the business repairs a few wrecked vehicles every year. Any non-operable vehicles on the site would either be kept indoors or within the fenced-in area. The petitioner is not planning any site improvements/modifications other than the fence at this time.

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### **Procedural**

A Board of Zoning Appeals shall approve or deny variances of use from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under Ind. Code § 36-7-4-918.4 upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that allowing an auto storage, auto salvage and auto impound on the Property would be injurious to the public health, safety, morals, and general welfare of the community. The proposal was reviewed at the November 20, 2012 Technical Advisory Committee meeting and there were no safety concerns discussed at the meeting.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. All activity related to the Proposed Use would occur within either the fenced area or indoors and would not be visible to neighboring properties. Any feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.



3. *The need for the variance of use arises from some condition particular to the property involved:*

**Finding:** The Property is zoned General Business which does not permit auto storage, auto salvage, and auto impound. The petitioner's business also sells and repairs vehicles, which is a permitted use in the GB District. There is not a single zoning district that permits both auto sales/repair and auto storage, auto salvage and auto impound. The need for the variance is unique to the combination of business components for the subject business, in that the Westfield-Washington Township Zoning Ordinance would not permit this combination of uses anywhere, by right.

4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:*

**Finding:** Strictly applying the zoning ordinance would not permit the requested use. The Property is currently zoned General Business, which does not permit auto storage, auto salvage, and auto impound.

5. *The approval does not interfere substantially with the comprehensive plan:*

**Finding:** The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") recommends that this segment of State Road 32 develops as "Local Commercial". Local commercial areas, according to the Comprehensive Plan, are intended to provide goods and services used by nearby residents on a day-to-day basis. Examples listed in the Comprehensive Plan include: banks, drug stores, convenience stores, automobile service stations, restaurants, etc. The Board will need to determine if an auto storage, auto salvage, auto impound lot is an appropriate service use within the Local Commercial area.

**Recommendations**

If the Board approves 1212-VU-06, then the following conditions should apply:

1. That the State Highway 32 Overlay requirements for walls and fencing (WC 16.04.065,10,e) apply to the auto storage, auto salvage, auto impound lot, except that decorative metal shall not be permitted.
2. That a plan showing the fence/wall be submitted to the Economic and Community Development Department staff for administrative review and approval.